

June 9, 2005

BYRD & LYNN STUTER  
16605 N SUNBEAM DRIVE  
NINE MILE FALLS WA 99026

Subject: Complaint Filed Against Michael Green, Superintendent, Nine Mile Falls School District - PDC Case No. 04-534

Dear Mr. & Mrs. Stuter:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on May 19, 2004, against Nine Mile Falls School District and Superintendent Michael Green alleging that the public resources and facilities of the school district were used to support a levy and two bond measures in 2004.

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

You alleged that the brochures produced and distributed by officials of the Nine Mile Falls School District for the March 9, 2004, Maintenance and Operations Levy and Bond Measure, and the May 18, 2004, Bond Measure promoted a "yes vote" on the measures, and thus constituted a violation of RCW 42.17.130.

We found that:

- The Nine Mile Falls School District produced a brochure for the March 9, 2004 Maintenance and Operations Levy and Bond Measure, and produced a separate brochure for the May 18, 2004 Bond Measure.
- The March 9<sup>th</sup> election brochure included under the heading "*Why is the bond needed,*" certain phrases and text which were bold-faced and capitalized, such as "*Safety, Space and Health*"; "*High-quality School and Classroom facilities*"; "*Better Learning Environment for Kids*"; "*Replace Aging, Inefficient Systems*"; and "*Preserve Our Neighborhood Schools.*"
- The brochure also included a table listing a range of assessed property values, the gross monthly tax increase which the passage of the M&O levy and

construction bond measures would impose on each of these properties, and the net tax increase on these same properties after an income tax deduction. That information was predicated on a taxpayer fully itemizing the property taxes on his or her federal income tax return, and gave the respective net tax increase.

- Both the March 9<sup>th</sup> and May 18<sup>th</sup> levy and bond brochures featured a large graphic of a check mark in a box, forming the letter “V” in the word “Vote.” The complete statement made by the graphic was “*Vote March 9<sup>th</sup>*” and “*Vote May 18<sup>th</sup>*.”
- The brochure for the May 18th election followed the same question and answer format used in the March 9 election brochure, but omitted the “Tax Impact Analysis” table used in the earlier brochure. This brochure broke down the costs to a property owner of a \$150,000 home to be “...39¢ a day...\$11.88 a month...\$154.50 a year.”
- Mr. Green stated that Nine Mile Falls School District produced a brochure for both the March 9 and May 18, 2004 elections, that the mailings were produced on school district equipment and that 3,600 copies were printed for each election, and that each publication cost \$126 to print. He stated that the publication for the March 9th election was mailed on February 17, 2004 at a cost of \$244, and that the May 18 election publication was mailed on April 26, 2004 at a cost of \$249. The total cost to the Nine Mile Falls School District for printing and mailing of the two publications was \$619.

While the PDC staff has concerns about the content of the brochures, we do not believe that a material violation occurred warranting enforcement action. We will be cautioning Superintendent Green about future publications that contain information about ballot propositions. I am enclosing a copy of the letter sent to Superintendent Green.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Michael Green, Superintendent of the Nine Mile Falls School District.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Michael Green, Superintendent, Nine Mile Falls School District